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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 VAHAN JALADIAN,

No. CIV S-04-1304-LKK-CMK-P

12 Plaintiff,

13 vs.

ORDER

14 CRIBBS,

15 Defendant.
16 _____/

17 Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant
18 to 42 U.S.C. § 1983. On October 1, 2009, Plaintiff filed a “Notice of Material Breach of the
19 Terms and Conditions of Settlement Agreement Affecting Stipulation for Voluntary Dismissal”
20 (Doc. 104), which the court construed as motion to vacate the judgment under Federal Rule of
21 Civil Procedure 60(b). In that motion, Plaintiff indicated that the stipulated settlement had not
22 been fulfilled by Defendant as agreed, stating that the agreed upon amount of settlement was not
23 deposited into his inmate trust account. The court requested a response by the Defendant, which
24 was filed on November 2, 2009 (Doc. 106).

25 On November 23, 2009, Plaintiff filed a new “motion” indicating that he is
26 withdrawing his previous motion (Doc. 107). Plaintiff apparently did not have all of the correct

1 information at the time his filed his previous motion. He has now received a corrected inmate
2 trust account statement which appears to have cleared up any misunderstanding between the
3 parties.

4 Accordingly, Plaintiff's new motion (Doc. 107) requesting to withdraw his
5 previous motion, is granted. The granting of Plaintiff's new motion renders his previous motion
6 (Doc. 104) moot. Accordingly, the Clerk of the Court is directed to terminate Plaintiff's previous
7 motion (Doc. 104) as a pending motion.

8 IT IS SO ORDERED.

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10 DATED: December 4, 2009

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12 **CRAIG M. KELLISON**
13 UNITED STATES MAGISTRATE JUDGE
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